

REMARKS

In an Office Action dated January 15, 2003, all of the pending claims were rejected as being either anticipated by Vibe-Hansen et al., or unpatentable over Vibe-Hansen et al. when combined with Stone et al., Geistlich et al. '638, Sonis, Caplan et al., Geistlich et al. '771 or Seid. Insofar as these rejections could apply to the claims, as amended, they are respectfully traversed.

Vibe-Hansen et al. discloses a method of treating a joint injury which utilizes a hemostatic barrier placed proximal to the surface to be treated, chondrocytes in a suitable matrix placed distal to the hemostatic barrier, and a covering of a cell-free patch. (Column 2, lines 17-25).

The Vibe-Hansen et al. reference provides no teaching or suggestion whatsoever of the present claims, which specifically require fixing a multi-layer patch over a damaged area with a barrier layer oriented away from the damaged area, wherein the patch is fixed over the damaged area without application of a separate hemostatic barrier layer in the damaged area. The Vibe-Hansen et al. reference not only fails to teach or suggest the presently claimed method, the Vibe-Hansen et al. reference leads persons of ordinary skill in the art away from fixing a multi-layer patch over a damaged area without application of a separate hemostatic barrier layer in the damaged area. Support for the amendment can be found at page 3, paragraphs 0021 and 0022.

The Stone et al., Geistlich et al. '638, Sonis, Caplan et al., Geistlich et al. '771 and Seid references all fail to supply the above-noted deficiencies of Vibe-Hansen et al. None of these references can be combined with the Vibe-Hansen et al. patent to suggest fixing a multi-layer patch over a damaged area without application of a separate hemostatic barrier layer in the damaged area.

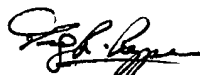
In view of the above amendments and remarks, withdrawal of the rejections based on Vibe-Hansen et al. alone, or combined with Stone et al., Geistlich et al. '638, Sonis, Caplan et al., Geistlich et al. '771 and Seid is respectfully requested.

Claims 1-5, 12, 23 and 24 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of commonly owned U.S. Patent No. 6,352,558. In response thereto, submitted herewith is an appropriate Terminal Disclaimer. In view thereof, withdrawal of the obviousness-type double patenting rejection is respectfully requested.

Applicants submit that the present application is now in condition for allowance.
Reconsideration and favorable action are earnestly requested.

Respectfully submitted,

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